



Department
for Education

Children's homes regulations amendments 2014

**Advice for children's homes providers on
new duties under amendments to
regulations that came into effect in
January and April 2014**

July 2014

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Summary

About this departmental advice

This is non-statutory advice from the Department for Education. It is issued to assist managers in children's homes and prospective providers of new children's homes to carry out duties under amendments to regulations that came into effect on 1 April 2014.

This advice covers 1) location assessment; 2) regulation 33 independent visits and; 3) provides information to support children's homes providers to implement the amended regulations regarding qualifications for those managing and working in children's homes.

1 - Carrying out location assessments - responsibilities

Legislation this advice refers to

- *The Children's Homes Regulations 2001 [Regulation 31(1A)] ("the Children's Homes Regulations"); and*
- *The Care Standards Act 2000 (Registration) (England) Regulations 2010 ("the Registration Regulations") [Schedule 1(13)] (as amended by The Children's Homes and Looked-after Children (Miscellaneous Amendments) (England) Regulations 2013).¹*

Who is this advice for?

This advice is for:

- children's homes providers and managers;
- potential providers of new children's homes; and
- local children's services, police services and others who may be contacted in relation to a children's home location assessment.

Background

1.1 In July 2012 DfE ministers appointed an expert group to review the quality of children's homes provision and make recommendations for improvement. The report of this work was published in April 2013.² One issue identified was a lack of clarity about which agencies should be responsible for ensuring that children's homes are appropriately and safely located. The group recommended that the children's home regulations be changed to put new duties on providers to:

- *carry out a risk assessment of the area before the opening of the home and then at regular intervals;*
- *put in place appropriate safeguards where risks had been identified before a home opens (or where new risks appear over time); and*
- *collaborate with the police and the Local Safeguarding Children's Board (LSCB) at all stages of this process, not just in putting the safeguards in place but also in trying to identify the risks in the first place.*

¹ [The Children's Homes and Looked after Children \(Miscellaneous Amendments\) \(England\) Regulations 2013](#)

² [Expert group on the quality of children's homes - final report](#)

1.2 As part of its programme of children's homes reform, the Government consulted on amending regulations about the registration and management of children's homes to require potential new providers of children's homes and managers of existing children's homes to assess a home's location with the aim of strengthening safeguards for children. This proposal gained strong support from local authorities and voluntary sector organisations. Providers of children's homes recognised the crucial importance of safeguarding children but raised concerns about how requirements for assessment of a home's location might operate at local level.

1.3 This advice has been developed to support good practice in carrying out location assessments. It is intended to encourage collaboration and partnership between children's homes providers and local services so that children who live in children's homes can access the same benefits and protections as all other children.

1.4 In assessing the location of a children's home, a prospective provider of a new home or the manager of an established home will benefit from a clear understanding of the benefits and disadvantages of living in a specific location. This will help establish whether the area is suitable for a home, ensuring that children feel safe and are able to benefit from good quality services.

Legal requirements

1.5 *The Children's Homes and Looked after Children (Miscellaneous Amendments) (England) Regulations 2013* introduced the following changes to the *Children's Homes Regulations 2001* and the *Registration Regulations*:

1.6 Regulation 31(1A) and (1B) of the *Children's Homes Regulations 2001* introduced a requirement for providers or managers to:

- ensure that premises used for the purposes of a children's home are appropriately and suitably located so that children cared for by the home are:
 - (a) effectively safeguarded, and
 - (b) able to access services to meet the needs identified in their care or placement plans;
- review the appropriateness and suitability of the location of the premises at least once in every calendar year.

1.7 As part of applying for registration, the Registration Regulations require potential providers of new homes to describe the steps taken to ensure that the premises used for the purposes of the home are appropriately and suitably located.

1.8 In the year of these regulations coming into force, managers of all existing children's homes should carry out an initial annual assessment by 31st December 2014.

1.9 The home's location assessment should be kept under review and amended to take into account any new risks as these are identified. The annual update will need to be proportionate and will not usually need to be carried out at the level of the initial assessment.

Framework for assessing a location

1.10 Location assessments will need to address two issues:

1. Safeguarding concerns
2. Accessibility of local services

1.11 Location assessments should be completed by managers of existing homes and potential providers of new homes in consultation with relevant services in the area where the home is, or will be, located.

1.12 It is important for the manager or a potential new provider to have a broad understanding of the characteristics of the area where a home is or may be located. Looked-after children placed in deprived areas, perhaps far away from the authority responsible for their care, may face disadvantage and lack opportunities to enjoy and achieve in these communities.

1.13 The considerations a home manager or potential provider of a new home will need to take into account, as they carry out a location assessment, may include:

- whether the location of the home influences the potential for an already vulnerable child to be a victim of crime, such as being targeted for sexual exploitation;
- whether there is a likelihood of children placed in the home becoming drawn into gang crime or anti-social behaviour in the local area;
- the suitability of the local neighbourhood as a location to care for children who may have already been victims of abuse and neglect ; and
- whether there are environmental factors that would represent a hazard to children, such as locations near level crossings or busy roads.

1.14 Location assessments should also take into account any positive features in a local community that would offer benefits to children living in a children's home. For example, assessments could include evidence about opportunities for children to participate in leisure, sporting or cultural activities, or links with services that could support the child's ethnic or religious identity.

Relevant steps in completing a location assessment

1.15 Location assessments involve the following actions:

- collection of publicly available local data;
- consultation with appropriate local services;
- completion a risk assessment; and
- development of risk management strategies.

1.16 Ofsted inspectors may take into account the quality of an existing home's manager's location assessment when evaluating the effectiveness of the home's approach to safeguarding and promoting children's welfare.

1.17 Potential providers of new homes will need to send the location assessment and related risk management strategy to Ofsted as part of the process for their application to register a children's home. Ofsted will take this information into account when deciding whether to approve an individual's application. Ofsted may request further clarification if it judges that the risk management strategy does not properly address risks identified by the location assessment.

Collection of publicly available local data

1.18 This will involve internet-based searches of local crime statistics, obtaining the indices of deprivation and other relevant data. It will also be helpful to refer to reports produced by local safeguarding or public protection agencies. Data about local schools, secondary health services and information on children's opportunities for participation in leisure, sporting and cultural activities should also contribute to evidence about the quality of life for children in a specific area. [Annex 1](#) provides some examples of the publicly available local resources that should be collected.

Consultation with appropriate local services

1.19 It important to consult with services that have a statutory responsibility for safeguarding children in the neighbourhood where the home is located, i.e. children's services, the police, probation service providers and, if relevant, voluntary services that support victims of crime or young runaways. The purpose of consultation is, as far as reasonably practicable, to gather local intelligence on factors in a neighbourhood that may represent risks to children. Similarly, it will be important, as far as reasonably practicable, to consult with local education and health professionals about the availability and quality of education and health services in an area. [Annex 2](#) provides a list of some of the agencies that managers and providers should consult as part of the location assessment.

1.20 In carrying out the initial assessment of the location of existing homes and of potential new homes, managers and prospective providers will need to contact their local police force's Head of Public Protection (see template letter in [Annex 3](#)). For subsequent annual reviews it might only be necessary to consult with local police contacts, especially if there has not been any real change in the area where a home is located.

1.21 Some homes will provide their own schooling and specialist health care. In such cases it may not be necessary to make inquiries of local schools and health services. Information about the education and secondary health care provided by the home should be recorded in the location assessment as evidence that children in the home's care are able to access the range of local services necessary to respond to their assessed needs.³

1.22 It will be essential to talk with children in the home's care about the quality of life in the area to establish whether they feel safe and how to manage any risks they identify. Children will also be able to offer homes' managers valuable insights about the quality of local services.

Completion of a risk assessment

1.23 Once the manager of an existing home or the provider of a new home has collected the necessary information by following the processes outlined above, they should complete an analysis to reach a view on the benefits and any disadvantages of the home's location.

1.24 Managers of existing homes and providers of new homes may wish to develop a format for recording area assessments. [Annex 4](#) provides an example of a risk matrix that could be adapted. A risk matrix is designed to help users judge the acceptability of a risk so that it can be effectively managed.

1.25 Perceptions of risk may differ amongst professionals. Once a manager has produced an initial draft location assessment, it will be good practice to seek feedback from the agencies previously consulted. These agencies, however, are not ultimately accountable for the home's location assessment. Where there is a difference of view about the nature and extent of any risks to children in the area of a home, the home's provider will ultimately be responsible for reaching a judgement about the nature of any concerns and how these might be managed.

1.26 Any significant differences in view between a home's manager and local services about the advantages and disadvantages of a particular location should be recorded in the location assessment document.

Development of risk management strategies

1.27 Where analysis identifies concerns about the location, the manager of an existing home or the provider of a new home should develop strategies for supporting children in their care to manage any safeguarding concerns and, where necessary, to enable them to access appropriate local services.

³ When considering whether children in the home will be eligible for secondary health care, managers and potential new providers will need to take into account [guidance on establishing the responsible commissioner](#).

1.28 The examples below outline a range of activities that could contribute to managing risks:

- convening multi-agency risk management meetings, involving local services, placing authorities and individual children to develop strategies for managing and minimising the risks faced by the children;
- educating the children in the home about risks, and supporting them in developing skills and strategies for managing those risks;
- providing children with access to relevant support services to make them more aware of risks and to build their resilience;
- ensuring that children have access to sources of confidential advice and advocacy so that they feel safe to disclose any risks they face;
- recording evidence of children's vulnerability to sexual exploitation that could be used by the police as the basis for taking enforcement action against predatory adults or by probation service providers in connection with the management of offenders; and
- improving the perimeter security for the home so that individuals or vehicles approaching the home can be recorded, acting as a deterrent to potential predators.

1.29 Whenever a new placement is planned, it is good practice for managers of children's homes to make the authority responsible for the child aware of any issues identified by the location assessment process and how the home is responding to these.

Homes working together to gather information

1.30 Where there are a number of homes in close proximity, a collective approach may be effective in obtaining the information needed for location assessments. A group of homes may want to make a joint submission to local services requesting information. The response can be shared amongst homes in the area to inform their final assessment. In areas with a concentration of homes, collaboration of this kind will reduce the demands on local services and support their engagement with the location assessment process.

2 - Regulation 33 Independent Visits

Legislation this advice refers to

- Regulation 33 of The Children's Homes Regulations 2001 as amended by The Children's Homes and Looked after Children (Miscellaneous Amendments) (England) Regulations 2013.

Who is this advice for?

This advice is for:

- children's homes providers and managers; and
- potential providers of new children's homes.

Policy intention – applies to all registered providers, including local authorities

2.1 The policy intention in revising this regulation was to ensure that any individual appointed as an independent person is able to make a rigorous and impartial assessment of the home's arrangements for safeguarding and promoting the welfare of the children in the home's care.

2.2 The registered provider must appoint the independent person and is ultimately responsible for making sure that an appointment does not give rise to a conflict of interest that would, or would appear to compromise the ability of that person to reach a rigorous and impartial judgement of the quality of that home's care.

2.3 This includes reviewing any 'connections' (Reg 33(2)(g)) that the person to be appointed as an independent person has to the home in question. Simply being known to a person working or living in a children's home does not necessarily constitute a connection that would compromise an individual's ability to reach independent judgement, but a close personal relationship would likely do so.

2.4 The registered provider will also need to ensure that the independent person they appoint has the skills and understanding necessary to:

- relate to children in a home's care;
- assess all relevant information; and
- form an impartial judgement about the quality of the home's care.

2.5 The skills, experience and professional background of the person, for example in undertaking work of a similar nature, will also be a relevant factor in assessing their ability to reach a rigorous and impartial judgment.

2.6 Registered providers should be able to evidence their decision making for the purposes of Ofsted inspection.

Employees of the registered provider – applies to all registered providers, including local authorities

2.7 Regulation 33(2)(a) prohibits a person who is employed for payment by the registered provider from being an independent person. This is qualified in Regulation 33(3), which states:

(3) An employee of the registered provider is not, by reason only of that employment, disqualified under sub-paragraph (2)(a) or (g) from appointment as the independent person where he is engaged pursuant to a contract of service or a contract for services which provides that he is to critically examine and scrutinise—

(a) the way that the children's home is carried on or managed; and

(b) the quality of care that the children's home provides for children accommodated there.

2.8 The regulation is clear that a person is not disqualified by virtue of their employment by the registered provider alone. For example, there may be individuals employed by the registered provider solely in quality assurance⁴ roles, such as undertaking Reg. 33 visits. The registered provider should have absolute confidence in the ability of staff in these roles to reach an impartial judgment; should give careful consideration to how the responsibilities of the role and lines of accountability within the organisation support this; and should be able to evidence their decision-making. Good practice in a large provider might be that staff undertaking Reg. 33 visits report to a director or equivalent senior officer who has responsibility only for quality assurance and no responsibility for the management of homes.

2.9 We are aware of instances where providers use staff in operational roles to conduct Reg. 33 visits – for example, a manager of one children's home conducting the Reg. 33 visit for another home owned by the same registered provider, perhaps in a different geographical region. The Government believes that, while not strictly unlawful, this is not in the spirit of the revised regulation. We consider it better practice that any staff employed by the provider to conduct Reg. 33 visits are in roles concerned solely with quality assurance; or that the visits to be undertaken by individuals not employed by the provider.

⁴ For the purposes of paragraphs 2.8-2.9, quality assurance includes 'compliance' functions.

Registered providers that are local authorities

2.10 There are further requirements that a person must meet if they are to be appointed by a local authority as an independent person.

2.11 For a local authority that is a registered provider, the January 2014 changes to these regulations mean that no person who is employed by any local authority may be appointed as an independent person, unless:

- (a) that person's employment is all or in part for the purposes of quality assuring children's homes as described by the Regulation (see Regulation 33(3)); and*
- (b) that person is not employed in connection with the carrying on of social services functions relating to children (regulation 33(2)(b)).*

2.12 The Department takes a purposive and pragmatic approach to the question of how this regulation should be applied, which centres on the overall policy intention that there is demonstrable independence in the conduct of Reg. 33 visits to ensure genuine and rigorous scrutiny. There should be a clear separation between those with a direct interest in a home performing well (for example, the Director of Children's Services and staff in his or her command) and the person conducting an independent visit of that home. Youth workers and teachers, for example, are local authority workers without such an interest and LAs may wish to continue to appoint such staff as independent visitors.

2.13 There will, however, be individuals who are employed in whole or in part to conduct children's services quality assurance functions on behalf of the local authority, such as Independent Reviewing Officers (IROs). IROs are under a duty to monitor the local authority's performance of their functions in relation to a child's case. As the statutory guidance for IROs states, *'the independence of the IRO is essential to enable him/her to effectively challenge poor practice'*.⁵ The department does not consider that the quality assurance of children's homes provided by the local authority demands a higher degree of independence than the quality assurance of the care planning process for each child. As such, IROs may be excellent candidates for the role of independent person for homes where they are not the IRO of a child living there and are not otherwise disqualified by the regulations.

2.14 Councillors are not disqualified as an independent visitor by virtue of that role alone, since holding an elected office does not count as employment by a registered provider local authority for these purposes. The registered provider would need to ensure that any councillors carrying out the role of independent visitor had the necessary skills and understanding (see paragraph 2.4) and were not otherwise disqualified by the regulations.

⁵[IRO Handbook: Statutory guidance for independent reviewing officers and local authorities on their functions in relation to case management and review for looked after children](#)

3 - Children's homes qualifications advice

This advice covers relevant qualifications for care staff working in children's homes.

Legislation this advice refers to

- *The Children's Homes and Looked-after Children (Miscellaneous Amendments) (England) Regulations 2013*.⁶

Who is this advice for?

This advice is for:

- children's homes providers, managers and staff ;
- potential providers of new children's homes;
- students of social care; and
- training providers.

Background

3.1 In July 2012 DfE ministers appointed an expert group to review the quality of children's homes provision and make recommendations for improvement. The report of this work was published in April 2013.⁷ One issue identified was the lack of a requirement for children's homes staff to complete their relevant qualifications in a set period of time.

3.2 As part of its programme of children's homes reform, the Government consulted on amending regulations to set timeframes for completion of relevant qualifications.

3.3 This advice has been developed to provide clarity on the relevant qualifications and those that may be deemed equivalent.

Legal requirements: Level 3 Diploma

3.4 In this document the use of the term '*the Level 3 diploma*' means the *Level 3 Diploma Children and Young People's Workforce –Social Care Pathway*, unless otherwise stated.

⁶ [The Children's Homes and Looked after Children \(Miscellaneous Amendments\) \(England\) Regulations 2013](#)

⁷ [Expert group on the quality of children's homes - final report](#)

3.5 *The Children's Homes and Looked after Children (Miscellaneous Amendments) (England) Regulations 2013* introduced a requirement for care staff of children's homes to complete the required care role qualification within two years of commencing the role:

Required care role qualification means—

- (a) the Level 3 Diploma Children and Young Peoples' Workforce –Social Care Pathway ("the Level 3 Diploma"); or*
- (b) a qualification which the registered provider considers to be equivalent to the Level 3 Diploma.*

3.6 The term '*equivalent*' as used in these regulations should be a judgement by the registered provider based on whether the content of any qualifications held by an individual closely corresponds with the Level 3 Diploma Children and Young People's Workforce – Social Care Pathway ("the Level 3 Diploma").

3.7 To establish whether existing qualifications are equivalent to the Level 3 Diploma, the registered provider should check the units completed in the candidate's original qualification. They should establish whether the units completed have content which corresponds with the units of the Level 3 Diploma. They should also consider the relevance of the units of any original qualifications to the care of children in the home as described in its statement of purpose.

3.8 The registered provider should keep a record of the information they have considered, to establish 'equivalence', which could be taken into account by Ofsted when the home is inspected.

3.9 NVQ qualifications relevant to residential care were phased out in 2011. Anyone completely new to the children's homes care role, without prior equivalent qualifications, will need to complete the Level 3 Diploma within two years of commencing their role.

3.10 The new regulations mean that a care worker can be working towards the Level 3 qualification six months into their role but must complete it two years after commencing the role

3.11 The Level 3 Diploma tests competence by requiring candidates to be assessed in the workplace over a period of time. Throughout this process they must demonstrate that they have the relevant skills and knowledge to respond fully to the needs of children in the home's care.

3.12 Where a registered provider identifies gaps in a care worker's qualifications, they should act to ensure relevant units are completed in a timely manner at an appropriate level.

Legal requirements: Level 5 Diploma

3.13 In this document the use of the term '*the Level 5 diploma*' means the *Level 5 Diploma in Leadership in Health and Social Care and Children and Young People's Services –Children and Young People's Residential Management Pathway*, unless otherwise stated.

3.14 *The Children's Homes and Looked-after Children (Miscellaneous Amendments) (England) Regulations 2013* introduced a requirement for managers of children's homes to complete the required managers qualification within three years of commencing the role.⁸

a) *Required manager's qualification means—*

(a) *the Level 5 Diploma in Leadership for Health and Social Care and Children and Young People's Services in the children and young people's residential management pathway ("the Level 5 Diploma"); or*

(b) *a qualification which the registered provider considers to be equivalent to the Level 5 Diploma;*

3.15 The term 'equivalent' as used in these regulations should be a judgement by the registered provider based on whether the content of any qualifications held by an individual closely corresponds with the *Level 5 Diploma in Leadership in Health and Social Care and Children and Young People's Services –Children and Young People's Residential Management Pathway* ("the Level 5 Diploma").

3.16 NVQ qualifications for residential care were phased out in 2011. Anyone completely new to the children's homes management role, without prior equivalent qualifications, will need to complete the Level 5 Diploma within three years of commencing their role.

3.17 *The National Minimum Standards (NMS) for children's homes (2011)* were published in the same year that NVQ qualifications were phased out, and the new Level 5 qualification introduced; therefore, the NMS makes reference to both Level 4 and Level 5 qualifications.

3.18 The NMS set out that any manager holding the *NVQ Level 4 Leadership and Management for Care Services* would not need to undertake the Level 5 Diploma. This is because this Level 5 Diploma (with the children and young people's residential management pathway) replaced the NVQ Level 4 Leadership and Management for Care Services on the Qualifications and Credit Framework (QCF). [Annex 5](#) outlines further detail about how NVQ 4, and other qualifications, can be compared with the Level 5 Diploma.

⁸ Managers in post without a relevant qualification on April 1st 2014 must complete the Level 5 by April 1st 2017 at the latest.

3.19 To establish whether existing qualifications are equivalent to the Level 5 Diploma, the registered provider should check the units completed in the candidate's original qualification. They should establish whether the units completed have content which corresponds with the units of the Level 5 Diploma. They should also consider the relevance of the units of any original qualifications to the care of children and management of the home as described in its statement of purpose.

3.20 The registered provider should keep a record of the information they have considered to establish 'equivalence', which could be taken into account by Ofsted when the home is inspected.

3.21 The Level 5 Diploma tests competence by requiring candidates to be assessed in the workplace over a period of time. Throughout this process they must demonstrate that they have the relevant leadership and management skills and knowledge to respond fully to the needs of children in the home's care.

3.22 Where a registered provider identifies gaps in the registered manager's qualifications, they should act to ensure relevant units are completed in a timely manner at an appropriate level.

Annex 1: Potential sources of local information

Safeguarding:

Issue	Information Source	Local Contact
Safeguarding (including risks of children being targeted for sexual exploitation)	The children's services department in the local authority (LA) where the home is located.	LA officer nominated to liaise with children's homes.
<p>Level of crime in the vicinity and the response to it</p> <ul style="list-style-type: none"> • violence and sexual offences • drug related crime • antisocial behaviour • property crime • gang activity 	<p>Public Domain Police crime map</p> <p>Entering the postcode of home's location will provide the following useful information:</p> <ul style="list-style-type: none"> • a crime map for the local area; • contacts for the local neighbourhood policing team; and • the policing priorities for the area. <p>Tips: Crime Maps: The detailed statistics button on the crime map site may provide more useful information than the initial crime map. It allows the user to:</p> <ul style="list-style-type: none"> • see at a glance the numbers and categories of crimes which have taken place in the area; and • compare crime rates against other similar areas and other others within the relevant police force area. <p>Other information sources and services to contact:</p> <ul style="list-style-type: none"> • Probation service providers • Community Safety Partnership (CSP) • MAPPA⁹ coordinator <p>(MAPPA is a process through which the police, probation and prison services work together with other agencies to manage the risks posed by violent and sexual offenders living in the community in order to protect the public. Many of the agencies involved in MAPPA will also be members of the Local Safeguarding Children's Board and the CSP).</p>	<p>The Police Force's Head of Public Protection</p> <p>Local policing team</p> <p>Public protection leads in local probation service providers (National Probation Service and the local Community Rehabilitation Company)</p>
<p>Index of deprivation includes:</p> <ul style="list-style-type: none"> • Crime • Barriers to employment • Education, skills and training • Housing and homelessness 	<p>Public domain Map of levels of deprivation</p> <p>Tips: This map is automatically set to show multiple indices of deprivation. The drop down menu on the page provides data on individual deprivation factors.</p>	

⁹ Multi-Agency Public Protection Arrangements

Education and Health Services:

Issue	Information Source	Local Contact
Local secondary health services for children	<p>These services are normally accessed through the child's GP in the new area. However, in assessing their likely availability and quality, it may be helpful to contact the following:</p> <ul style="list-style-type: none"> • the local designated nurse for looked-after children (LAC Nurse); and • the local NHS trust providing secondary health services. 	The LAC Nursing Service should be able to advise
Schools	<p>Basic statistical information on schools is available online and may indicate whether the schools in an area can effectively support good educational outcomes for looked-after children.</p> <p>Public domain Information on school performance</p> <p>You can input a post-code and access information on schools in the area. This includes information on:</p> <ul style="list-style-type: none"> • academic attainment; • pupil cohort (including number of pupils on free school meals); • value added element of the school and pupil progress; and • spending per pupil. <p>The site also allows you to compare a school against similar schools nationally.</p> <p>Ultimately, the best way of finding information about the quality of schools in an area is to visit them. Children's homes should seek to develop constructive relationships with schools attended by children in their care. Where a child to be placed in a children's home requires a school place, this should be arranged by the authority responsible for the child's care in collaboration with the home's provider/manager.</p>	LA's Virtual Head Teacher could be willing to offer informal advice.

Annex 2: Suggested local services

Potential agencies to contact as part of a location assessment
Local authority children's services
Police
Local probation service providers. Contact should be made with both the National Probation Service (NPS) and the local Community Rehabilitation Company (CRC)
Local Youth Justice Services / (Youth Offending Team)– (if relevant)
Local schools
Local Health Services (including mental health services)
Relevant local voluntary provision

Annex 3: Suggested letters regarding location assessment to be sent to the local police force's Head of Public Protection

Letter one - for managers of established homes

FAO Head of Public Protection

Your organisation/company

Force

Your Address

Force Address

Dated

Dear X,

I am the registered manager/provider for (add details of children's home).

As the registered person, I am required, under a new amendment to Regulation 31 of the *Children's Homes Regulations 2001*, to take steps in order to ensure that children in the care of the home I manage are effectively safeguarded. I am making similar enquiries with other local services.

The relevant regulation is set out below.

In regulation 31 of the Children's Homes Regulations 2001 (as amended) –

“(1A) The registered person shall—

(a) ensure that premises used for the purposes of a children's home are appropriately and suitably located, so that children cared for by the children's home are effectively safeguarded and are able to access services to meet needs identified in their care plans or placement plans; and

(b) for the purposes of sub-paragraph (a), review the appropriateness and suitability of the location of those premises at least once in each calendar year.

(1B) When conducting a review for the purposes of paragraph (1A)(b), the registered person shall consult, and take into account the views of, such local bodies or persons as the registered person considers appropriate.”

This new legal requirement means that managers of children's residential care homes are now bound to make an assessment of the area where a children's home is located.

I would, therefore, be grateful if you could provide me with any relevant information to assist me in carrying out my duties in this regard. In particular, can you confirm whether

the police are aware of any information that may give rise to any concerns for the safety and protection of children cared for at the address above? If you are aware of concerns, please, can you let me have contact details for the appropriate officer in your force so that I may discuss these further in order to assist me with taking the appropriate action?

Thank you for your assistance. A reply by XXXX would be much appreciated.

Letter two – providers of potential new homes

FAO Head of Public Protection

Your organisation/company

Force

Your Address

Force Address

Dated

Dear X

RE: The proposed new children's home at:

(Add details)

I am planning to open a children's home within the area covered by your force. As a result, I am required under a new amendment to the *Care Standards Act 2000 (Registration) (England) Regulations 2010*, that came into effect in April 2014, to assess the location where I am hoping to provide this new service.

This new legal requirement means that I must establish:

“(a) that premises used for the purposes of a children's home are appropriately and suitably located, so that children cared for by the children's home are effectively safeguarded and are able to access services...”

In order to comply with this legislation, I would be grateful if you could share with me any information about public protection in the neighbourhood of the above address that would be relevant to the future safety and welfare of children who may be cared for in the children's home that I am planning to open. If there are any specific issues giving rise to any concerns, please, can you let me have contact details for the appropriate officer in your force to discuss these further?

I am making similar enquiries with other services in the area.

Thank you for your assistance. A reply by XXXX would be much appreciated.

Annex 4: Risk matrix

Where a specific risk affecting the home's children is identified, the home's manager will need to develop strategies for managing these, if necessary in partnership with the services that will have already contributed to the location assessment process. Strategies for managing risks faced by individual children in the home's care should be agreed with their responsible authority and recorded in the child's individual placement plan¹⁰

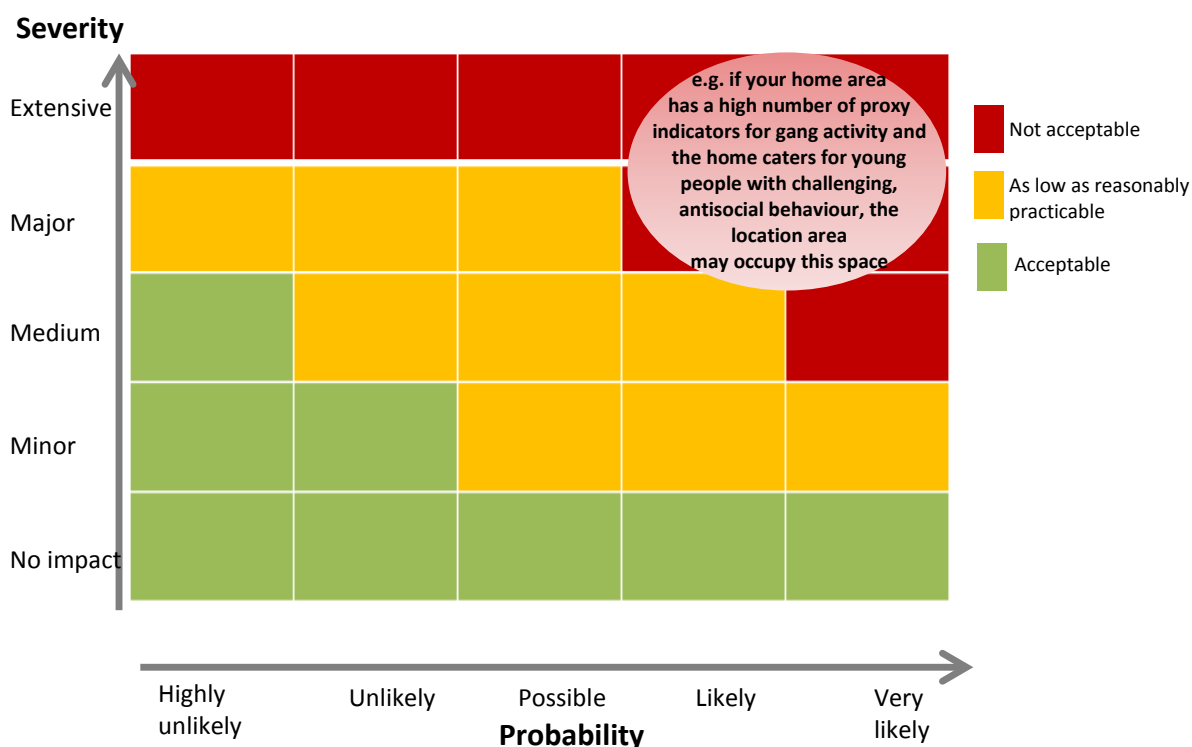


Chart 1: Example of a risk matrix

Managers will wish to develop a format for recording area assessments that will be most helpful for them. A risk matrix (as above) may be a useful framework for presenting this information. There are different ways to display a risk matrix but all plot an identified risk's severity of impact against the probability of it happening. This is designed to help users judge the acceptability of a risk so it can be effectively managed.

See page 9 – [‘Completion of a risk assessment’](#) for further information.

¹⁰ Care Planning Placement and Case Review Regulations 2010: Schedule 2.(3)(1A) as amended

Annex 5: Level 5 Qualifications Equivalence Table

Qualification held	Equivalent to (on the QCF framework)	Notes
NVQ Level 4 Leadership and Management for Care Services	Level 5 Diploma in Leadership for Health and Social Care and Children and Young People's Services with Children and Young People's Residential Management Pathway.	Direct equivalence.
NVQ 4 Health and Social Care (Children's Pathway)	Level 5 Diploma in Leadership for Health and Social Care and Children and Young People's Services with Children and Young People's Advanced Practitioner Pathway.	<p>NVQ 4 Health and Social Care contains practice leadership content but not service management and leadership content.</p> <p>To be equivalent, this qualification would need to be combined with a leadership and management qualification.</p> <p>The registered provider should check the units completed in the original qualification against the Level 5 units.</p>
Level 4 (or higher level) Leadership and Management Qualification	N/A	<p>Generic leadership and management qualifications may have content which corresponds with the Level 5 with Children and Young People's Residential Management Pathway.</p> <p>Level 4 leadership qualifications were typically undertaken to complement a NVQ 4 Health and Social Care qualification.</p> <p>The registered provider should check the units completed in the original qualification against the Level 5 units.</p>
A Level 4 professional qualification	N/A	These qualifications may have content which corresponds with Level 5.

Qualification held	Equivalent to (on the QCF framework)	Notes
that is relevant to working with children.		<p>It is likely that these qualifications will contain practice leadership content but possibly not service management and leadership content.</p> <p>To be equivalent, this qualification may need to be combined with a leadership and management qualification.</p> <p>The registered provider should check the units completed in the original qualification against the Level 5 units.</p>
Social Work Diploma	N/A	<p>To be equivalent, this qualification may need to be combined with a leadership and management qualification.</p> <p>The registered provider should check the units completed in the original qualification against the Level 5 units.</p>
Social Work Degree. Qualification of a similar or higher level in children's services. Foundation degree in therapeutic childcare (or similar).	N/A	<p>These qualifications may have content which corresponds with the Level 5 Diploma.</p> <p>The registered provider should check the units completed in the original qualification against the Level 5 units.</p>



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